

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

LARRY D. THOMAS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.: 02:05-CV-437-WKW
)	
R. JAMES NICHOLSON,)	
SECRETARY, DEPARTMENT OF)	
VETERANS AFFAIRS,)	
)	
Defendant.)	

MOTION FOR EXTENSION OF TIME TO FILE EXHIBIT

Comes now the Defendant, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and moves the Court for a 30-day extension of time, to and including May 14, 2007, within which to re-file Exhibit 1 of Defendant's Memorandum in Support of Motion for Summary Judgment. As grounds for said motion Defendant shows unto the Court the following:

1. Defendant filed his Motion for Summary Judgment and accompanying Memorandum in Support on or about October 31, 2006.
2. Defendant attached as Exhibit 1 a copy of Plaintiff's SF-50 Notice of Personnel Action provided by the Department of Veterans Affairs. The copy filed with the Court was the best copy of the document available to the undersigned at the time of filing.
3. On April 5, 2007, the Court ordered Defendant to re-file a legible copy of Exhibit 1 on or before April 12, 2007.

4. Although Defendant has diligently attempted to comply with the April 12 deadline, the undersigned has been unable to obtain the information sought.

5. Defendant has requested the original SF-50 Notice of Personnel Action, or in the alternative a legible copy of same, from the Department of Veterans.

6. The copy of Exhibit 1 available locally with the Department of Veterans Affairs is of the same quality as that previously filed with the Court.

7. Therefore, the Department of Veterans Affairs has requested the original records be retrieved from the Federal Records Center and has been informed it may take up to four (4) weeks to receive the requested information.

WHEREFORE, Defendant respectfully requests the Court grant a 30-day extension of time, to and including May 14, 2007, within which to receive the requested information from the records center and to re-file it with the Court.

Respectfully submitted this 12th day of April, 2007.

LEURA G. CANARY
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that I placed a copy of the foregoing in the United States Mail, first class postage affixed addressed to Larry D. Thomas, *pro se*, 3327 Lunceford St., Montgomery, AL 36108.

Done this 12th day of April, 2007.

s/R. Randolph Neeley
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